

Robert F. James  
UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.  
#2 Railroad Square, Suite B  
P.O. Box 1746  
Great Falls, Montana 59403  
Telephone: (406) 771-0007  
Facsimile: (406) 452-9360

FILED  
GREAT FALLS DIV.  
'07 FEB 16 PM 2 47  
PATRICK E. DUFFY, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK

Attorneys for Defendant The Glidden Company  
a/k/a ICI Paints North America

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
GREAT FALLS DIVISION

J. MURRAY HURLBURT and RENEE  
RATLIFF, individually and as Personal  
Representatives of the Estate of ARDELLE  
HURLBURT, deceased,

Plaintiffs,

-vs-

BONDEX, INC.; DURABOND PRODUCTS,  
LTD.; GEORGIA PACIFIC CORP.;  
FLINTKOTE CO.; THE GLIDDEN  
COMPANY a/k/a ICI PAINTS NORTH  
AMERICA; JOHN DOES I, II, III, IV AND V,

Defendants.

CV-  
No. 07-16-GF-SEH

**NOTICE OF REMOVAL**

**TO: THE HONORABLE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA.**

COMES NOW The Glidden Company a/k/a ICI Paints North America, a defendant in the above cause, and hereby gives notice to the above-entitled Court for removal of this cause from the Montana Twelfth Judicial District Court, Hill County, to the above-entitled

United States District Court, Great Falls Division, pursuant to 28 U.S.C. §1446, and for its grounds for removal alleges:

1. The action is a civil action alleging personal injury and wrongful death. The action was commenced January 22, 2007, by filing a complaint in the Montana Twelfth Judicial District Court, Hill County. The plaintiffs are citizens of the State of Montana. Defendant The Glidden Company a/k/a ICI Paints North America is a citizen of a state other than Montana because it was incorporated under the laws of the State of Ohio and its principal place of business is in the state of Ohio;

2. The complaint does not specify a sum certain for damages claimed. However, from the contents of the complaint it reasonably appears that the matter in controversy, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000) and is a suit respectively between citizens of the State of Montana as plaintiffs and a citizen of the State of Ohio. This defendant believes that the sum exceeds \$75,000 because if the plaintiffs recover their damages pursuant to Montana law, it will exceed the jurisdictional requirement. In addition, plaintiffs' counsel has indicated to the undersigned that his clients are seeking more than \$75,000 in damages. The above-entitled Court has jurisdiction of this case pursuant to 28 U.S.C. § 1332;

3. That on or about February 1, 2007, plaintiff caused a summons and complaint to be delivered to ICI Americas, Inc. through the Commissioner of Insurance, and attached hereto and marked as Exhibits 1 through 4, respectively, are copies of the Complaint, a letter from the Montana Commissioner of Insurance, Summons, and Civil Cover Sheet;

4. That this notice is filed within 30 days after receipt by this defendant of the complaint and summons issued by the state court;

5. This defendant will, upon filing of this notice of removal, give written notice to the above-named plaintiff and file with the Montana Twelfth Judicial District Court, Hill County, the notice of its filing and request for transfer pursuant to Mont. R. Civ. P. 77(e). This case will then be removed from the state district court to the above-captioned United States District Court. See Exhibit E, Notice of Filing of Notice of Removal and Request for Transfer.

DATED this 16<sup>th</sup> day of February, 2007.

By: /s/ Robert F. James  
Robert F. James  
UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.  
Attorneys for Defendant The Glidden Company  
a/k/a ICI Paints North America

STATE OF MONTANA     )  
                                      : ss.  
County of Cascade     )

Robert F. James, being first duly sworn, deposes and says:

That I am the attorney for Defendant The Glidden Company a/k/a ICI Paints North America in the above-entitled action, that I have read the foregoing Notice of Removal, knows the contents thereof, and that the matters and things stated therein are true to my best knowledge, information and belief.

Robert F. James  
Robert F. James

SUBSCRIBED AND SWORN TO before me this 16<sup>th</sup> day of February, 2007.

(NOTARIAL SEAL)

Sandra J. Webb     SANDRA J. WEBB  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
Residing in Great Falls, Montana  
My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of February, 2007, a copy of the foregoing was served upon the following persons by the following means:

1 CM/ECF  
       Hand Delivery  
2, 3 Mail  
       Overnight Delivery Service  
       Fax  
       E-mail

1. Clerk, U.S. District Court
2. Chris R. Young  
Attorney at Law  
339 Third Street  
P.O. Box 1070  
Havre, MT 59501
2. Clerk of Court  
Hill County Courthouse  
315 Fourth Street  
Havre, MT 59501-3999

By: /s/ Robert F. James  
Robert F. James  
UGRIN, ALEXANDER, ZADICK & HIGGINS, P.C.  
Attorneys for Defendant The Glidden Company  
a/k/a ICI Paints North America